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SUBJECT: EU CONSIDERS CONDEMNING SRI LANKA IN HUMAN RIGHTS
COUNCIL; SRI LANKA COUNTERS THE EFFORT

Classified By: Charge, a.i., Mark Storella. Reasons: 1.4 (B/D).

11. (U) This is an action cable. Action request in para 8.

12. (C) SUMMARY: The EU is considering whether to table a resolution in the Human Rights Council condemning Sri Lanka's recent human rights record. To avert a resolution, the Sri Lankan Government sent its Human Rights Minister and two other officials for a series of meetings in Geneva. Those officials argued, including in a meeting with the Ambassador, that Sri Lanka is cooperating with international organizations on human rights and has improved its human rights record, and that a Council resolution would only play into the hands of extremists. A delegation of human rights NGOs held parallel meetings in which they accused Colombo of stonewalling. We understand the EU may seek out our views shortly on a possible resolution. Para 8 requests guidance on our position on the issue. END SUMMARY.

EU CONSIDERS CONDEMNATORY RESOLUTION

13. (SBU) With the start of the Human Rights Council's Sixth Session on September 10 approaching, EU ambassadors in Geneva have been actively considering whether to press for a resolution condemning Sri Lanka for its human rights record. Although there are divisions about details of a possible resolution, many EU ambassadors here believe that a resolution may be appropriate, particularly given recent developments. That said, a UK Mission contact told us that work is only at an early stage on the text of a possible resolution, which would update one that the EU put forward in last year's Council session.

A VIGOROUS RESPONSE FROM SRI LANKA

14. (SBU) While the Sri Lankan Ambassador downplayed the prospects for an EU resolution, his government seems to have been sufficiently concerned to dispatch Human Rights Minister Mahinda Samarasingha, as well as Attorney General C.R. De Silva and Secretariat for Coordinating the Peace Process in Sri Lanka head Rajiva Wijsinha, to head off that eventuality. The three made the rounds in Geneva to press their case, including in bilateral meetings with key missions and a more general briefing for the diplomatic community. The general consensus was that the Sri Lankan delegation handled their assignment skillfully, without, however, having dispelled many of the concerns about their government's behavior.

15. (C) In a September 4 meeting with the Ambassador, the

three officials, accompanied by Sri Lanka's ambassador in Geneva, laid out their case. They argued that Sri Lanka had cooperated fully with international organizations and would continue to do so. Despite reports to the contrary, UN Under Secretary John Holmes had been fully satisfied with his trip

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to Sri Lanka, Samarasingha argued. Holmes regretted a misunderstanding that appeared to result in restricting his access to NGOs and the media; the misunderstanding resulted because he failed to coordinate with his Sri Lankan hosts an interview he gave during his visit, the Ambassador was told. In the aftermath of Holmes's visit, NGO access to government officials had improved. The "misunderstanding" over Holmes' visit was in any case "behind us," Samarasingha said. He added that his government had taken the initiative to invite UN High Commission Louise Arbour for an October visit to examine the situation on the ground, and also supported planned visits by Special Rapporteur on Torture Manfred Nowak and Representative of the Secretary General on Internally Displaced Persons Walter Kalin.

¶6. (SBU) The Sri Lankan officials said that their government's Commission of Inquiry (CoI) had initial evidence that the Tamil Tigers were to blame for the recent killing of aid workers, although the investigation continued. They argued that the government had been working hard to foster a witness protection program. Not only would a Council resolution condemning Sri Lanka be unfair, Samarasingha and his colleagues argued, but it also would play into the hands of the Tamil Tigers and other extremist forces, thus negating the government's progress on political reconciliation.

NGOS ALSO WEIGH IN

¶7. (SBU) Human rights activists held parallel meetings to press their case. Paikiasothy Saravanamuttu of the Sri

Lankan NGO Centre for Policy Alternatives, accompanied by representatives from the Geneva-based International Commission of Jurists, argued that the Sri Lankan Government had clearly determined that a strong offense was its best defense in presenting the case on human rights. According to Saravanamuttu, the prevailing climate of impunity in Sri Lanka undermined any effort to improve the situation. Interference by the Attorney General's office prevented the CoI, which in any event was only empowered to consider past cases, from conducting effective work. The lack of a witness protection program and of redress to families, and limitations on the Group of Eminent Persons, undermined human rights protection in the country. The EU needed to let Colombo know that the U.S. and India supported its efforts to bring the Sri Lankan Government to account, we were told. The U.S. was in a unique position to affect government actions on human rights, the activists argued, but if it did not push, Colombo would not respond to pressure from others.

ACTION REQUEST

¶8. (C) EU ambassadors have indicated that they are likely to seek out our views on a resolution on Sri Lanka in the near future. This could happen within the first days of the Human Rights Council session that starts on September 10, although the timing remains unclear. Please provide guidance on our position on the issue.
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